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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/037,092	10/22/2001	Javier Janez Gonzalez	34649-460USPT	5903
7590	03/07/2005		EXAMINER	
Daniel G. Nguyen Jenkens & Gilchrist A Professional Corporation 1445 Ross Avenue, Suite 3200 Dallas, TX 75202			LESNIEWSKI, VICTOR D	
		ART UNIT	PAPER NUMBER	2155
DATE MAILED: 03/07/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/037,092	GONZALEZ ET AL.
	Examiner	Art Unit
	Victor Lesniewski	2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 22 October 2001.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-48 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-48 is/are rejected.
- 7) Claim(s) 12 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachments(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____ .
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>3/5/2002; 5/9/2003</u>	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

## **DETAILED ACTION**

1. This application has been examined.
2. Claims 1-48 are pending.

### ***Information Disclosure Statement***

3. The IDS filed 3/5/2002 and the IDS filed 5/9/2003 have been considered.

### ***Claim Objections***

4. Claim 12 is objected to because of the following informalities:
  - The claim lacks a period.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
6. Claims 1-48 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
7. Regarding claims 1, 4, 5, 14, 17, 18, 27, 29, 30, 33, 35, 36, and 39-42, the phrase "Internet-like" renders the claims indefinite because they include elements not actually disclosed, thereby rendering the scope of the claims unascertainable. See MPEP § 2173.05(d).

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8. Regarding claims 6-9, 19-22, and 42-45, the phrase "modem-like" renders the claims indefinite because they include elements not actually disclosed, thereby rendering the scope of the claims unascertainable. See MPEP § 2173.05(d).

9. Furthermore, claims 2-13, 15-26, 28-32, 34-38, and 40-48 are rejected due to their dependencies on the aforementioned claims.

***Claim Rejections - 35 USC § 102***

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

11. Claims 39-46 and 48 are rejected under 35 U.S.C. 102(e) as being anticipated by Oh et al. (U.S. Patent Number 6,519,458), hereinafter referred to as Oh.

12. Oh has disclosed:

- <Claim 39>

A communication module capable of being connected to a remote terminal unit and configured to connect said remote terminal unit to an Internet server, comprising a transceiver unit adapted to transmit and receive data to and from said Internet server (figure 4, items 432 and 434); a communication port for facilitating communication between said communication module and said remote terminal unit (figure 4, items 408 and 428); and a control unit connected to said transceiver unit and said communication

port via a system bus, said control unit configured to control said transmission of data to said Internet server (figure 4, item 426); and an Internet or Internet-like client application residing in said control unit and configured to conform said data transmission to an Internet or Internet-like protocol (figure 4, items 427 and 429).

- <Claim 40>

The communication module according to claim 39, wherein said Internet or Internet-like client application is configured to establish a communication link between said communication module and an Internet server (column 5, lines 53-57).

- <Claim 41>

The communication module according to claim 39, wherein said Internet or Internet-like protocol includes a Wireless Applications Protocol (figure 2, item 212).

- <Claim 42>

The communication module according to claim 39, wherein said Internet or Internet-like client application is further configured to initiate said data transmission upon receiving a modem-like control command from said remote terminal unit (column 3, lines 60-64).

- <Claim 43>

The communication module according to claim 42, wherein said modem-like control command is designed to initiate a wireless protocol connection to the Internet (column 4, lines 12-17).

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- <Claim 44>

The communication module according to claim 43, wherein said modem-like control command is used to bypass a browser layer of said wireless protocol (column 4, lines 18-28).

- <Claim 45>

The communication module according to claim 42, wherein data to be transmitted and an address indicator of said Internet server are appended to said modem-like control command (column 4, lines 58-62).

- <Claim 46>

The communication module according to claim 45, wherein said address indicator is a predetermined one of a Uniform Resource Locator and an IP address (column 4, lines 37-42).

- <Claim 48>

The communication module according to claim 39, wherein transmission of said data to said Internet server may be performed over a wired data service (column 5, lines 2-5).

Since all the limitations of the invention as set forth in claims 39-46 and 48 were disclosed by Oh, claims 39-46 and 48 are rejected.

***Claim Rejections - 35 USC § 103***

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. Claims 1-38 and 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oh in view of Godlewski (U.S. Patent Number 6,421,354).

15. Oh disclosed a wireless data transport method that allows a mobile terminal to send and receive data from an Internet server. In an analogous art, Godlewski disclosed a method whereby remote sensors acquire data and transfer it to a network operating center. Both methods focus on the data communications between remote devices and a server.

16. Concerning claims 1 and 14, Oh did not explicitly disclose storing data in a database of the Internet server and issuing an acknowledgment from the Internet server to the remote unit. Oh is mainly focused on the transfer of data between the remote terminal and the server and does not go into detail about the Internet server itself. However, Godlewski's system contains both of these features. It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the system of Oh by adding the ability to store data in a database of the Internet server and issue an acknowledgment from the Internet server to the remote unit as provided by Godlewski. Here the combination satisfies the need for a method that transmits data from remote sensors to a central location that can use a plurality of communications media and can be used with a variety of remote sensors. See Godlewski, column 1, lines 36-44. This rationale also applies to those dependent claims utilizing the same combination.

17. Concerning claims 27 and 33, Oh did not explicitly disclose receiving an instruction from the Internet server and providing content to the remote unit. Oh is mainly focused on the transfer of data between the remote terminal and the server and does not go into detail about data gathering. However, Godlewski's system contains both of these features. It would have been

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obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the system of Oh by adding the ability to receive an instruction from the Internet server and provide content to the remote unit as provided by Godlewski. Again the combination satisfies the need for a method that transmits data from remote sensors to a central location that can use a plurality of communications media and can be used with a variety of remote sensors. See Godlewski, column 1, lines 36-44. This rationale also applies to those dependent claims utilizing the same combination.

18. Some claims will be discussed together. Those claims which are essentially the same except that they set forth the claimed invention as a system are rejected under the same rationale applied to the described claim.

19. Thereby, the combination of Oh and Godlewski discloses:

- <Claims 1 and 14>

A method of collecting data from a plurality of remote terminal units using the Internet, said method comprising: providing said data from each remote terminal unit to a communication module connected to said remote terminal unit, said communication module having an Internet or Internet-like client application executing thereon (Oh, figure 4, item 402); conforming said data to an Internet or Internet-like protocol via said Internet or Internet-like client application (Oh, column 6, lines 22-40); transmitting said data in accordance with said Internet or Internet-like protocol via said communication module to an Internet server (Oh, column 6, lines 56-65); storing said data in a database of said Internet server (Godlewski, column 9, lines 38-51); and issuing an

acknowledgment message from said Internet server to said remote terminal unit via said communication module (Godlewski, column 7, lines 46-48).

- <Claims 2 and 15>

The method according to claim 1, further comprising issuing instructions from said Internet server to said remote terminal unit via said communication module (Godlewski, column 7, lines 46-59).

- <Claims 3 and 16>

The method according to claim 2, wherein said instructions are initiated by said Internet server independently of said remote terminal unit (Godlewski, column 7, lines 46-59).

- <Claims 4 and 17>

The method according to claim 1, wherein said transmission step includes said Internet or Internet-like client application establishing a communication link between said communication module and an Internet server (Oh, column 5, lines 53-57).

- <Claims 5 and 18>

The method according to claim 1, wherein said Internet or Internet-like protocol includes a Wireless Applications Protocol (Oh, figure 2, item 212).

- <Claims 6 and 19>

The method according to claim 1, wherein said transmission of said data is initiated using a modem-like control command to said communication module (Oh, column 3, lines 60-64).

- <Claims 7 and 20>

The method according to claim 6, wherein said modem-like control command is designed to initiate a wireless protocol connection to the Internet (Oh, column 4, lines 12-17).

- <Claims 8 and 21>

The method according to claim 7, wherein said modem-like control command is used to bypass a browser layer of said wireless protocol (Oh, column 4, lines 18-28).

- <Claims 9 and 22>

The method according to claim 6, wherein data to be transmitted and an address indicator of said Internet server are appended to said modem-like control command (Oh, column 4, lines 58-62).

- <Claims 10 and 23>

The method according to claim 9, wherein said address indicator is a predetermined one of a Uniform Resource Locator and an IP address (Oh, column 4, lines 37-42).

- <Claims 11 and 24>

The method according to claim 1, wherein said transmission of said data to said Internet server may be performed over a wireless bearer service (Godlewski, column 3, lines 54-61).

- <Claims 12 and 25>

The method according to claim 1, wherein said transmission of said data to said Internet server may be performed over a wired data service (Oh, column 5, lines 2-5).

- <Claims 13 and 26>

The method according to claim 1, wherein said database is capable of being accessed via an Internet connection (Godlewski, column 9, lines 12-17).

- <Claims 27 and 33>

A method of controlling a remote terminal unit using Internet or Internet-like protocols, said method comprising: establishing a connection between a communication module connected to said remote terminal unit and an Internet server in accordance with an Internet or Internet-like protocol (Oh, column 6, lines 22-40 and 56-65); receiving an instruction message from said Internet server over said connection (Godlewski, column 7, lines 46-59); processing said instruction message using an Internet or Internet-like client application executing on said communication module (Oh, figure 4, item 402); and providing a content of said instruction message to said remote terminal unit (Godlewski, column 1, item 47-56).

- <Claims 28 and 34>

The method according to claim 27, wherein said instruction message is initiated by said Internet server independently of said remote terminal unit (Godlewski, column 7, lines 46-59).

- <Claims 29 and 35>

The method according to claim 27, wherein said Internet or Internet-like client application is configured to establish a communication link between said communication module and an Internet server (Oh, column 5, lines 53-57).

- <Claims 30 and 36>

The method according to claim 27, wherein said Internet or Internet-like protocol includes a Wireless Applications Protocol (Oh, figure 2, item 212).

- <Claims 31 and 37>

The method according to claim 27, wherein said connection to said Internet sever is established over a wireless bearer service (Godlewski, column 3, lines 54-61).

- <Claims 32 and 38>

The method according to claim 27, wherein said connection to said Internet sever is established over a wired data service (Oh, column 5, lines 2-5).

- <Claim 47>

The communication module according to claim 39, wherein transmission of said data to said Internet server may be performed over a wireless bearer service (Godlewski, column 3, lines 54-61).

Since the combination of Oh and Godlewski discloses all of the above limitations, claims 1-38 and 47 are rejected.

### *Conclusion*

20. The prior art made of record and not relied upon is considered pertinent to the applicant's disclosure.

- Gelvin et al. (U.S. Patent Number 6,735,630) disclosed a method for collecting data using a wireless integrated network sensor system that provides distributed network and Internet access to sensors, controls, and processors.

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- Shin (U.S. Patent Number 6,771,975) disclosed a method for processing data in a wireless application protocol for wireless applications including a wireless datagram protocol.
- Oommen (U.S. Patent Number 6,799,203) disclosed a method for using a wireless telephony application to manage mobile stations over the air.

21. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor Lesniewski whose telephone number is 571-272-3987.

The examiner can normally be reached on Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain Alam can be reached on 571-272-3978. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

VZ

Victor Lesniewski  
Patent Examiner  
Group Art Unit 2155

*H. Lesniewski*

HOSAIN ALAM  
SUPERVISORY PATENT EXAMINER